

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO.28 OF 2006

M/s.Jal Limited .. Petitioner.

V/s.

The Union of India & Others .. Respondents.

Mr.Vikram nankani i/b. Mr.Madhur Baya for the petitioner.

Mr.S.M. Shah with Mr.Y.S. Bhate for the respondents.

**CORAM : DR.S. RADHAKRISHNAN &
J.P. DEVADHAR, JJ.**

DATED : 12TH JANUARY, 2006.

P.C. :

Rule. Rule made returnable forthwith.

2. Heard the learned counsel for the petitioner and the respondents. The learned counsel for the respondents waives service.

3. By consent taken up for final hearing.

4. By this petition, the petitioner is challenging the order dated 28th October, 2005 passed by the Foreign Trade Development Officer in an appeal against the adjudication order. The petitioner had filed an appeal before the Appellate Authority and the Appellate Authority by the aforesaid order has

directed the petitioner to make a pre-deposit of 10% of the penalty amount imposed by the adjudicating authority. The main grievance of the petitioner is that the said order does not indicate as to why the pre-deposit amount of 10% has been granted and that there are no reasons given in the said order, with regard to the same.

5. Only on this limited ground, we are inclined to set aside the aforesaid order dated 28th October, 2005 to enable the Appellate Authority to pass a reasoned order after affording an opportunity of personal hearing to the petitioner.

6. The petitioner is at liberty to produce all necessary documents to enable the Appellate Authority to decide the pre-deposit amount.

7. The writ petition stands disposed of. Rule is made absolute in terms of the above order, with no order as to costs.

(DR.S. RADHAKRISHNAN, J.)

(J.P. DEVADHAR, J.)